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Agency, Complicity, and the Responsibility to Resist Structural Injustice

By Corwin Aragon and Alison M. Jaggar

Dedication

We would like to dedicate this paper to the memories of Iris Marion Young and Sandra Lee Bartky. Iris sadly died prematurely in 2006, and Sandy died in 2016, the same year we were writing this paper. Iris and Sandy were close friends, both philosophical and personal, and in the 1970s, they both worked in the tradition known then as socialist feminism. Both were acute observers of how gender and race saturate the minds and bodies especially of white women, and both interwove phenomenological with analytic methods. Each took inspiration from the work of the other, and their thinking was often complementary. In the present paper, we draw inspiration and ideas from Sandy's work to extend Iris's.

Abstract

Philosophers working on global ethics pay increasing attention to wrongs that result from everyday social practice. They look beyond the actions of individual "bad apples," the failings of corrupt states, and the practices of supposedly "illiberal" cultures to provide increasingly comprehensive accounts of the global structural processes that produce and perpetuate injustice. Structural analyses reveal connections among wrongs that at first sight appear unrelated to each other and show how the actions of individuals can contribute to injustice at local, national, regional, and even global levels. However, although these accounts illuminate the empirical situation, the ethical picture remains blurred. How, if at all, are individual citizens morally responsible for injustices rooted in the structure of the global order? This paper builds on Iris Marion Young's work to offer an answer based on people's complicity with unjust structural processes.

1. Introduction

During the last years of her sadly shortened life, Iris Marion Young was preoccupied with the question of responsibility for injustice and especially the responsibility for global injustice

borne by the citizens of wealthy Western countries. Her posthumous book *Responsibility for Justice* (2011) gives an original and influential account of this responsibility.¹ In this paper, we offer a friendly amendment to Young's account by developing the idea of structural complicity.

Structural complicity is not intended as a comprehensive account of all our responsibilities for global wrongs. In addition to responsibility resulting from structural complicity, people may have humanitarian responsibilities and may also be liable for specific injustices. We intend our account of structural complicity to explain how we are responsible for addressing structurally unjust practices in which we participate, often without deliberate intention, and sometimes with little choice. Structural injustice is a category of injustice that often goes unrecognized but it is a pervasive category that affects the lives of most people in the world.

2. Migrant domestic labor as structural injustice

In developing our amendment to Young's account, we draw on the example of migrant domestic labor.² Domestic labor is performed in private homes and typically involves the hands-on work of cooking, cleaning, and tending to the bodily care of persons at home, including children, sick, disabled, and old people. It is a large and growing sector of employment (Chen 2011,168). The International Labor Organization (ILO) reported that, according to 2013 estimates, there were over 67 million domestic workers in the world and more than 11 million of domestic workers are transnational migrants (ILO 2015, v). In 2013, "almost every sixth

¹ Young began developing this account in a series of articles and book chapters that appeared prior to the publication of *Responsibility for Justice*. We focus on her book, which offers the fullest version of her account, but we also draw our understanding of her account from the earlier iterations (Young 2003, 2004, 2006a, 2006b, 2007).

² Young illustrates structural injustice in the United States by reference to a fictional Sandy, who is at risk of homelessness. As Young constructs her example, Sandy's precarious housing situation does not result from reckless behavior on Sandy's part, nor does it result from an unscrupulous landlord, a piece of discriminatory legislation, or a natural catastrophe, such as a hurricane. Instead Sandy's imminent homelessness results from multiple systemic causes, including the operation of the housing market in conjunction with many other factors (Young 2011, 45-52). In considering responsibility in the aftermath of the destruction of Hurricane Katrina, Young also offers a real-world example of the way that systemic factors at the local, regional, and national level shape injustice (2006a). And Young illustrates structural injustice at the global level through the example of sweatshop labor in the global garment industry, which also results from multiple structural factors at many levels (2003, 2004, 2006b, 2007, 2011).

domestic worker in the world was an international migrant” (ILO 2015, v).³ About 80 percent of these workers are concentrated in high-income countries and the large majority is female (ILO 2016, 2).⁴

Anti-Slavery International states, “Domestic work is a sector...particularly vulnerable to forms of exploitation such as forced labour, trafficking, and bonded labour” (ASI, “Domestic Work and Slavery”). It also reports that domestic workers who are migrants are at a heightened risk of exploitation. Western media regularly feature sensational stories of abuses to migrant domestic workers, including overwork, hunger, beating, confinement, pay withholding, sexual abuse, slavery, and sometimes even death. The media often single out cruel employers, who mistreat their workers, or unscrupulous recruiters, who make deceptive job offers.

Why are migrant domestic workers so vulnerable to abuse and exploitation? Some reasons are specific to the industry. Migrant domestic workers often work singly in their employers’ homes, have limited facility in the local language, and are unfamiliar with the new culture. Many fear losing their jobs and/or are afraid of authorities. Their vulnerability is increased by legislative policies such as the sponsorship or *Kafala* system of immigration. This system ties a worker’s resident status to a single employer for the duration of her contract and makes employers legally responsible for their workers, which may severely restrict workers’ movements. Some workers cannot even leave the country without their employers’ permission (ASI, “Migrant Domestic Workers”). In addition, labor organizations have a long tradition of

³ The ILO notes that these numbers are highly approximate due to “the heterogeneity, irregularity and invisibility of domestic and care work.” For more on the problems of counting domestic workers, see Chen (2011).

⁴ In different publications, the ILO gives different percentages of women migrant domestic workers. In 2015, the ILO says:

About 73.4 per cent (or around 8.5 million) of all migrant domestic workers are women. South-Eastern Asia and the Pacific hosts the largest share, with 24.0 per cent of the world’s female migrant domestic workers, followed by Northern, Southern and Western Europe, with 22.1 per cent of the total, and the Arab States with 19.0. Male migrant workers are much less likely to be domestic workers, with noteworthy regional differences (ILO 2015, v).

In 2016, the ILO says 80% of migrant domestic workers are women (ILO 2016, 2). Domestic workers also include many children, especially girls. Parreñas (2015) finds that male domestic workers are increasing. Chen explains that men tend to have better paying jobs as gardeners, drivers or security guards (2011, 168).

refusing to recognize domestic work as real labor because it is performed in the supposedly private realm of the home. Until the mid-1980s, ILO Conventions explicitly excluded domestic workers from the protections afforded by most employment Conventions (Rosewarne 2013). Each of these factors increases workers' vulnerability to abuse and exploitation.⁵

These industry-specific factors operate in the context of a global political economy that creates both the demand for and supply of domestic workers and shapes the conditions under which they work. On the supply side, women with limited employment options have long been motivated to enter domestic service but have usually done this work closer to home. Today, several structural features of the current global order push such women to migrate transnationally. The most obvious of these features is wealth inequality among countries. In poorer countries, many families rely heavily on remittances from migrant domestic workers abroad. Some countries have official policies encouraging migration; for example, Philippine women are encouraged by government policy to migrate as “maids,” which have been said to be the Philippines' most important export product (Lutz 2002, 92).

Transnational factors influence not only the supply of women migrants but also the demand for their services. The population is ageing in most countries, especially in Europe, multigenerational households are less common, and most people prefer to be cared for at home (ILO 2016). Inadequate public provision for elders and often for children and people with disabilities means that families frequently must make private arrangements for their care. While real wages have declined so that women as well as men must often work for pay, the gendered division of family labor has been much slower to change, so wives and mothers still bear the

⁵ The ILO now reports:

Migrant domestic workers provide indispensable services to the countries where they go, contributing to the wealth of ageing societies and to the sustainability of these countries' welfare and employment systems. Yet, as with other migrant workers, migrant domestic workers can be confronted with additional vulnerabilities, leading to violations of their human and labour rights. Their vulnerabilities are often linked to precarious recruitment processes (including passport and contract substitution as well as charging of excessive fees), the absence of adapted assistance and protection mechanisms, the social and cultural isolation they can face at the destination due to language and cultural differences, lack of advance and accurate information on terms and conditions of employment, absence of labour law coverage and/or enforcement in the country of destination, and restrictions on freedom of movement and association, among other things (ILO, “Migrant Domestic Workers”).

main burden of household work.⁶ It is not surprising that those who can afford to do so are motivated to hire housekeepers, nannies, and caretakers to help cope with this unequal burden.

An additional systemic factor is the global gender norm that conceptualizes care work as a type of labor especially appropriate for women. Not unrelatedly, this work is frequently seen as a personal rather than a professional service and easily slides into demands for sexual favors, which are especially difficult for workers to resist when they are isolated in a country foreign to them.

In our view, the contemporary migrant domestic labor industry exemplifies structural injustice. In saying this, we do not primarily have in mind specific unjust incidents, such as particular recruiters' false promises or abuses by particular employers. Instead, structural injustice refers to the practices in which all agents involved in this industry participate in relation to each other, including workers, employers, recruiters, trainers, transporters, and suppliers. The migrant domestic labor industry fits Young's definition of structural injustice as occurring when:

[S]ocial processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising opportunities available to them (2011, 52).

Even when all goes well for a particular migrant domestic worker, so that she returns home safely with her agreed wages, she still has participated in an unjust industry. Even workers who have not suffered direct abuse have been placed in situations of vulnerability to domination or arbitrary interference.⁷ And even fortunate workers are likely to have been exploited by receiving a wage that is disproportionally small relative to the value of the services they have rendered.⁸

According to Young, structural injustice is "ordinary" injustice (2011, 93). It "is not as horrible as systematically perpetrated genocide," but it is "everyday," widespread and pervasive,

⁶ The 2012 World Development Report asserts that men worldwide resist assuming domestic responsibilities (WB 2011, 218).

⁷ It is true that the individuals cared for by migrant domestic workers may also be vulnerable but their citizen status allows them access to legal resources that are typically unavailable to their caretakers.

⁸ The International Domestic Workers Federation (IDWF) estimates that employers who exploit or underpay their domestic workers make \$8bn (£5.1bn) a year in illegal profits (Conley 2015).

and often provides the background conditions for criminal acts to occur (Young 2011, 93). And structural injustice at the global level adversely affects much of the world's population.

3. The problem of assigning responsibility for structural injustice

An initial difficulty with assigning responsibility for structural injustice is the breadth of the term 'injustice.' The term is used to describe at least three different types of wrongs in social interaction, and assigning appropriate responsibility for a wrong depends in part on the type of wrong in question. Additionally, different types of injustice may converge in a single case. Before we can assign appropriate responsibility, we need to be clear about which type of injustice we are addressing.

The first type is *interpersonal* injustice, which refers to wrongful actions of individual agents in interactions with other individuals. When an employer harasses or assaults a domestic worker she has hired, she wrongs the worker in this interpersonal sense. Though we take injustice to be a property of social systems and not primarily a feature of interpersonal interaction, philosophers still sometimes talk about interpersonal wrongs (a central focus of personal ethics) in terms of injustice.

The second type of injustice is *institutional*. This refers to the ways in which formal social institutions, such as systems of government, law, health, or education, violate principles of justice that they should embody. Because institutions result from deliberate design, institutional injustice is often intentional. For example, when legislators enact policies that make a worker's visa status dependent on the sponsorship of a single employer, they may well be promoting institutional injustice. Even if the resulting harms to workers are not the deliberate aim of the policy, they are foreseeable and avoidable results of the legislators' intentional actions.

It is a third type of injustice, *structural* injustice, in which we are most interested. Structural injustices occur when everyday and normalized social practices systematically position some to suffer the threat of domination or deprivation while enabling others to dominate or flourish. Structural injustices are not reducible to the conduct of individual agents, nor do they result from intentional institutional planning. Instead, structural injustice refers to the nested networks of constraints and opportunities that emerge unplanned from complex patterns of social interaction. In other words, structural injustice is an emergent property of social practices. To describe the migrant domestic labor industry as an example of structural injustice is to see the workers' vulnerability to deprivation and domination that the industry causes as produced

through the unplanned and often unforeseen interaction of a variety of systemic factors, rather than resulting from intentional misdeeds by particular individuals or failures of formal institutional policy.

Within the social sciences, there has been a long methodological debate over the relative merits of explaining social phenomena in terms of social structure versus agency. Critics of structural explanations worry that these explanations deny people's agency; critics of agentic explanations say that they risk blaming victims.⁹ Young rejects the need to choose between these two types of explanation: since structures exist only in the actions of individuals, a comprehensive explanation of injustice should include reference to *both* agency *and* structure. On the one hand, individuals make choices that are constrained by their particular social positions within a broader structural background. On the other hand, individuals' actions operate not only to try to bring about their specific goals but also reproduce, reinforce, normalize, and potentially re-shape the structural properties on which individuals draw for their actions (2011, 60). Individual participants in the migrant domestic labor industry act within structural processes that both enable and constrain their participation, and their participation typically reinforces the unjust practices that characterize that industry (though we suggest later that it also has the potential for disrupting them). To focus exclusively on either social structure or personal responsibility is to miss the recursive interaction between structural processes and individual agency.

Even when we recognize that unjust structures are produced and maintained through individuals' actions, it is not easy to understand the scope of those individuals' moral or political responsibility for structural injustice. The conception of responsibility used most often in daily life, including legal situations, is that of liability, which identifies specific perpetrators as culpable and seeks to hold them accountable for wrongs they have committed.¹⁰ On the liability model of responsibility, agents held to be responsible: 1) must make an identifiable causal

⁹ In order to illustrate the assumed dichotomy between explanations that emphasize structures and those that emphasize agency, Young sketches the dispute in the US over widespread poverty, where one ideological side (typically the left) explains it by reference to structures of inequality and the other (typically the right) by reference to individual failings, such as fecklessness (2011, 3-41).

¹⁰ The model allows for structured collectives, such as corporations or governments, to be perpetrators as well as individual agents.

contribution to producing a wrong and 2) have the appropriate *mens rea*, either the intention to do the wrong or demonstrated negligence in failing to avoid it. They must also be unable to appeal to mitigating circumstances such as coercion, force, (non-culpable) ignorance, illness, or madness.¹¹ On the liability model, responsible agents are culpable for wrongdoing, and this culpability may warrant punishment or require them to redress the wrong.

Young argues that the liability conception is not appropriate in assigning responsibility for structural injustice (2011, 95-122). First, it is often impossible to trace any individual's causal contribution to particular harms and, even when that is possible, the causal contribution made by most individuals is miniscule in the overall picture. Second, many people who contribute causally to structural injustice do not intend to do so. Unlike formal institutions, such as political constitutions or trade organizations, social structures are not intentionally designed and their shape and consequences often run counter to the intentions of the people whose actions produced them (Young 2003, 41). Third, even when people are aware that their actions contribute to injustice, they often lack realistic alternatives and so are constrained or even "forced" by their circumstances. It is easy for us to take the attitude that social facts are things independent of our agency and in many cases to think that social structures give us little choice (Young 2011, 55, 156). A woman lacking substantive economic opportunities in her home nation may feel that, to support her family, she has few options other than taking a domestic service job abroad. And a woman in the West with a paid job, children, an ailing parent, and a busy, uncooperative, or absent partner may feel she has little choice about hiring a nanny or a housecleaner. Finally, even if an individual feels she has some choice, she cannot usually accomplish much change on her own. In short, the liability model may be an appropriate model for assigning responsibility for interpersonal or even institutional injustice, but it is inadequate for assigning responsibility for structural injustice.

In articulating the problem of assigning responsibility for social-structural processes, we think Young made an extremely important philosophical contribution. We accept the problematic she identifies and seek to amend her own account of this responsibility to meet the challenge she articulated.

4. Young's social connection model of responsibility

¹¹ In tort law, there also exists the category of strict liability, where no negligence or harmful intention is required (Young 2011, 174-175), such as in the case of statutory rape.

In addressing the puzzle of responsibility for structural injustice, Young notes that people's actions can be morally evaluated by more than one standard:

As individuals we should evaluate our actions from two different irreducible points of view... We should judge our own actions and those of others according to how we treat the persons we deal with directly: for example, are we honest, do we refrain from exercising dominative power when we have the means available, are we considerate? We should also ask whether and how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people who find themselves in certain positions with limited options compared to others. It is possible, indeed even likely, that some people can rightly claim that their individual interactions with other people are impeccable, and that at the same time they contribute a great deal to the production and reproduction of structural injustice because of the social position they occupy and the actions they take within it (2011, 73).

Rawls famously distinguished social justice from personal ethics, with justice pertaining primarily to social institutions. Philosophers working on global justice have extended this framework and now assess "the global institutional order" (Follesdal and Pogge 2005, 7). Typically, they conceive this order as an extensive network of international laws and treaties about human rights, trade, military intervention, and state sovereignty. Many philosophers assign responsibility to the governments of the powerful Western countries that established and continue to control central institutions of the order, such as the IMF, WB, and WTO or they attribute responsibility to the foreign policy of some global powers; for example, Richard Miller (2010) blames US imperialism for much global injustice and talks about the need to pay reparations. We acknowledge the importance of this work but notice, with Young, that it fails to address the third type of injustice that we identified earlier, namely structural injustice.

When philosophers blame global injustices on particular actions and policies of specific countries and their governments, they assume that all these injustices belong to our second type: institutional injustice. They assume that the injustices are the foreseeable and avoidable consequences of intentional institutional policy or design and that responsibility for institutional injustice is to be understood in terms of liability. Young agrees that liability is an appropriate model of assessing responsibility for particular atrocities or unfair trade treaties, but she argues it

is unsuitable for assigning responsibility for pervasive background conditions that are unplanned and beyond the direct control of any identifiable agent.

In assigning responsibility for unintended structural injustice, Young proposes the social connection model.

The social connection model of responsibility says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects. Within these processes, each of us expects justice toward ourselves, and others can legitimately make claims of justice on us. All who dwell within the structures must take responsibility for remedying injustices they cause, though none is specifically liable for the harm in a legal sense. Responsibility in relation to injustice thus derives not from living under a common constitution, but rather from participating in the diverse institutional processes that produce structural injustice....(I)n today's world many of these structural processes extend beyond nation-state boundaries to include globally dispersed persons (Young 2011, 105).

The social connection model has several contrasts with the liability model:

1. It does not single out a few perpetrators and thereby let other participants off the hook (2011, 105-106);
2. It assesses the justice of the structural background conditions that shape people's decisions (2011, 106-108);
3. It is more forward looking than backward looking (2011, 108-109);¹²
4. It entails that individual responsibility for structural injustice is shared (2011, 109-111); and
5. It claims that responsibility can be discharged only through working together in collective action (2011, 111-113).

On this model, Young emphasizes, those who are responsible for structural injustice should not be blamed or seen as culpable.

¹² Young says that the social connection model does look backward to “help all of us see relationships between particular actions, practices, and policies, on the one hand, and structural outcomes, on the other” but not to praise or blame (2011, 109).

We agree with Young that the liability model is not a good fit in assigning responsibility for structural injustice. We share her sense that it is morally inappropriate to assign blame to people whose causal contribution to injustice has been relatively tiny, who may not have realized they were contributing to injustice, or who may have been relatively powerless to do otherwise. We are also sympathetic to Young's pragmatic reasons for construing responsibility in terms that avoid blame and guilt. By avoiding blame, we are less likely to generate defensiveness, which motivates people to think about themselves rather than the unjust situation at hand.

Despite our admiration for Young's work, we think that her social connection model of responsibility has some weaknesses.

1. Young thinks it is intuitively obvious that we have a responsibility to address all injustices with which we are socially connected. However, uncovering a social connection only raises a moral question and does not provide the answer to that question. Although we agree with Young that we have responsibility to consider the consequences of our actions for all those with whom we are socially connected, it is not obvious that the fact of social connection generates any particular responsibilities. Young's account of structural injustice invites us to investigate the many ways in which individuals may be socially connected to injustice, and our findings will surely raise the question of whether and how these connections are morally important. However, Young's model does not develop the normative reasoning for why the mere fact of connection to an injustice generates an obligation to work to remedy that injustice. There is a gap between the empirical and the normative that must be bridged by a normative concept or principle.
2. We are also troubled by the vagueness of Young's idea of social connection. It is not hard to argue that most people today are somehow connected with unjust global processes. But does this mean we are all responsible for all forms of global structural injustice? Young recognizes that this is incompatible with most people's intuitions but says our intuitions are often self-serving and untrustworthy. We too think intuitions are often unreliable, but we still worry that the breadth and vagueness of Young's social connection model dilutes the moral urgency for any particular individual to do anything specific.¹³

¹³ Pragmatically, this conception of moral responsibility may make people feel overwhelmed and helpless.

3. Finally, Young's insistence that responsibility is more forward than backward looking seems to lose track of the reason why the burden of responsibility falls on specific people or a specific group rather than on most humankind. Consequently, her model slides toward the universalism of those cosmopolitan-utilitarian and humanitarian accounts of responsibility from which Young explicitly distances her model (2006b, 104-5).

5. Complicity as the salient type of social connection

We wish to supplement Young's social connection model of responsibility by proposing that many of our responsibilities stem from complicity in structural injustice. We think that the notion of complicity addresses the problems we see in Young's account of social connection because:

1. Complicity is a specific type of social connection that picks out some but not all such connections as ethically salient.
2. It is a normative concept with a negative moral valence that provides a moral rationale for our responsibility.
3. Complicity links our present responsibilities with our past and present exercise of agency, providing a moral grounding for these responsibilities.

Political philosophers, in particular feminist and critical race philosophers, have long invoked the concept of complicity in discussing why individuals ought to resist injustice. In utilizing the concept, these philosophers typically assume that individuals who are complicit make some kind of causal contribution to unjust practices or benefit from them, often by enjoying social privileges.¹⁴ However, this work does not typically offer an analysis of complicity that goes beyond mere reference to the concept.

Although complicity has received limited philosophical attention as a concept of moral assessment, we can distinguish it from similar concepts, such as conspiracy and collusion.¹⁵

¹⁴ For example, see Alcoff (1998), Bartky (2002), Card (2010), Frye (1983), and Jaggar (2005a, 2005b).

¹⁵ Complicity as a legal concept has received greater philosophical attention. As a legal concept, complicity names an individual's involvement in the wrongdoing of some other principle wrongdoer(s). Typically, the legal concept of complicity hinges on the accomplice making a causal contribution, but some argue that an individual can be legally complicit in wrongs caused by a collective in which they participate, even if their own causal contribution to the wrong is insignificant. For example, see Farmer (2007) and Gardner (2007).

Conspiracy involves actively plotting with others to do something wrong; collusion involves deliberately contributing to wrongdoing. Complicity typically involves acquiescing in wrongdoing or failing to resist it, so it often consists in omission as much as commission.¹⁶ The relatively few philosophers who directly engage in a sustained analysis of the concept of complicity include Barbara Applebaum (2010), Chiara Lepora and Robert Goodin (2013), and Christopher Kutz (2000). However, Young lived long enough to discuss Kutz, whose work has become a touchstone for those who reference complicity without giving an analysis of the concept.

Kutz defines complicity in terms of participatory intent and thinks that people are complicit in wrongdoing they intend even if they fail to carry out their intention; for instance, in Kutz's central case, those who intended to participate in the bombing of Dresden are complicit even if the particular bomb they dropped failed to go off. For Kutz, therefore, complicity consists in the intention to participate in a wrong, even if the conduct in fact fails to make a causal difference in the occurrence of the wrong (2000, 122).

Young observes that Kutz presents complicity as a weaker or "attenuated" form of liability; people who are complicit in Kutz's sense are blameworthy in the same way as the main perpetrators but to a lesser degree (Young 2011, 103). She argues that, on this definition, most people are not complicit in structural injustice because they have no intention of participating in injustice and many unjust outcomes run counter to the actual intentions of participants. She concludes that, despite what Kutz says, complicity cannot provide an account of responsibility for structural injustice. Young objects:

When we consider issues of responsibility in relation to structural injustice, quantitative difference becomes qualitative difference. What we should seek is not a variation on a

¹⁶ Lepora and Goodin offer a "conceptual map" or taxonomy of "complicity and its conceptual cousins" (2013). Lepora and Goodin argue that complicity is something different from full joint wrongdoing, conspiracy, co-operation, and collusion, as these are all acts that involve "co-principals" (2013, 36-41). Agents who are complicit do not function as "co-principals" of the wrongdoing; Lepora and Goodin claim, "[a]gents committing acts of complicity make potentially causal contributions to the wrongdoing of others, without their acts in any way constituting part of that principal wrongdoing in themselves" (2013, 41). Brock offers an illuminating application of this view in examining consumer responsibility for exploitation (2016).

weaker form of liability, but rather a different conception of responsibility altogether (2011, 104).

We agree with Young that complicity in the sense defined by Kutz, namely intention to participate in wrongdoing, cannot provide a plausible account of people's responsibility for much structural injustice, which is unintentional. However, we still maintain that a different conception of complicity can do the job. Specifically, we claim that structural complicity based in individuals' enactment of unjust social practices is one morally-salient kind of social connection to injustice.¹⁷

6. Interpersonal and structural complicity

Philosophers who invoke complicity are often concerned about citizens' responsibility for the unjust actions or policies perpetrated by their governments in their name or to their benefit.¹⁸ They ask whether citizens bear some guilt for their governments' actions, and their discussions assume that complicity is blameworthy, though they recognize that some citizens may appeal to extenuating conditions. We call complicity conceptualized in this way either *interpersonal complicity* or *institutional complicity*.

Interpersonal complicity asks us to focus on the actions, attitudes, or intentions of specific individuals in connection with individuated and intentional wrongs committed by the state, such as unfair trade negotiations, torture, or genocide. Invocations of complicity—whether the focus is on individual causal contribution, participatory intention, or unjust benefit—usually take this interpersonal form and encourage us to think of complicity as a feature of individual conduct for a specific, intentional, concrete, and completed wrong. Kutz's conception is a paradigmatic example of interpersonal complicity; as Kutz claims, his complicity principle

¹⁷ Building on Young, David Miller (2005, 2007) identifies several social connections that he thinks generate "remedial responsibilities" for socially caused harms. Gillian Brock (2014a) builds on Miller's work to identify the remedial responsibilities of the affluent in Western countries to alleviate deprivations in poor countries. In later work, Brock and Hamish Russell (Brock 2014b, Brock and Russell 2015) identify three connections—causal contribution, benefit, and capacity—as potential bases of remedial responsibility, arguing that when all these three connections exist "we can say that there are very strong and not easily defeasible grounds for establishing remedial responsibilities" (Brock and Russell 2015, 25).

¹⁸ For example, Alex Zakaras (forthcoming) explores citizens' complicity with their governments' unjust policies. See also Caney (2008) and Miller (2007).

“specifies an individualistic basis (participation) that grounds, rather than precludes, accountability for collective harms” (2000, 122). In cases of interpersonal complicity, it makes sense and indeed is crucial to ask about the perpetrators’ *mens rea*.

Institutional complicity also asks us to focus on the relationship between citizens and the unjust actions or policies of the state. But institutional complicity does not seek to identify the actions, attitudes, or intentions of the individual in contributing to or benefiting from the injustice; rather, it treats the state (or corporation or international organization) as a unified collective and attributes complicity to all those who are members of that collective. Though individual members of the collective agent—citizens in the case of the state—may have a variety of ways of participating in the collective, institutional complicity treats all participants as complicit in the wrongs that collective causes.

We regard both interpersonal and institutional complicity as liability lite. Interpersonal complicity views responsibility through the lens of the liability model by seeking an individualistic basis for assigning responsibility for social wrongs. Institutional complicity also view responsibility through the lens of the liability model by seeking a responsible agent, but it replaces the individual with a unified collective as the bearer of responsibility. Both models, like the liability model, are concerned with assigning responsibility for wrongs that are intended rather than unplanned or emergent injustices. Moreover, interpersonal and institutional complicity are still primarily concerned with attributing responsibility to establish blameworthiness, though to a lesser degree, and focused on duties of redress, whether the blameworthiness and redress is assigned to an individual or a unified collective.

These understandings of complicity are indispensable in assigning responsibility for intentional wrongs performed by individuals or collectivities, but they provide a poor model for explaining responsibility for injustices that emerge unplanned from patterns of social practice. Interpersonal and institutional complicity as liability lite are misdirected in the same way as the liability model because they attempt to fit a model of moral responsibility developed for one sort of context to a wholly different type of situation for which they are inadequately equipped. As Barbara Applebaum argues, in discussing white complicity for racial injustice, employing a conception of (what we call) interpersonal or institutional complicity misunderstands the challenge at hand: “[t]he problem is not with making traditional notions of responsibility apply to

white complicity but rather the problem is that we need another notion of responsibility” (2010, 140).

In response to these concerns, we propose a third conception of complicity fitted to Young’s account of structural injustice. This is complicity generated by our participation in ongoing structural injustices, and we call it (surprise!) *structural complicity*. People are structurally complicit when they exercise their agency in ways that reinforce the unjust social structures in which they participate, regardless of their conscious intentions.

Structural complicity is as much about the way people act out what we call their moral orientation as it is about their specific actions. Our moral orientation is a set of attitudes and dispositions expressed in our habits of mind (cognitive), heart (affective), and body (active). Structural contexts provide people with conceptual schemas for making sense of the world, norms of behavior for making their way through the world, roles that define social expectations of them, systems of incentive and disincentive that encourage them to act in some ways and not in others, access to a variety and different degrees of social resources, and even physical, built environments to navigate. They are intertwined cultural, economic, and political systems that provide the background architecture against which individuals shape their lives. This background architecture orients individuals to build their lives in structurally-enabled ways while also constructing social barriers to deviating from the path to which they are oriented.

People internalize this architecture by habituating the cognitive, affective, and active practices that it normalizes. Shared conceptual schemas encourage us to develop cognitive habits that reflect the broader patterns of thinking that shape the structures in which we are situated. Shared systems of meaning and value encourage us to develop affective habits that reflect the broader patterns of feeling characteristic of our structural context. And shared systems of social roles and expectations encourage us to develop habits of conduct that reflect the broader patterns of behavior constitutive of existing social practice. When social structures are unjust, they orient individuals to re-enact injustice and when people act on habituated dispositions to think, feel, and act in conformity with unjust structures, they are complicit in the injustice of those structures.

7. Are we culpable for structural complicity?

Unlike interpersonal complicity, structural complicity requires no *mens rea*. People who are structurally complicit may have no intention to participate in injustice. They may perceive no injustice in a situation, or they may mistakenly diagnose the problem as interpersonal rather than

structural, as a bigoted colleague rather than a racist system. On the other hand, some people may experience emotional uneasiness in situations of structural injustice or have a dim awareness that something is wrong (Jaggar 1989). In such cases, they may either struggle to analyze the source of their uneasiness or utilize various psychological strategies to avoid bringing it to consciousness. Sandra Bartky, in discussing white complicity with racism, offers a “classification of phenomenologies of denial on the part of ‘nice’ white people...who believe that they have no race prejudice and get very upset and often quite angry when told that they bear some responsibility for the persistence of such prejudice” (Bartky 2002,154).¹⁹ The strategies of denial that Bartky lists include culpable ignorance, and self-deception. People may also conform to unjust norms out of fear or because they have no realistic alternatives.

From the point of view of interpersonal ethics, many of these responses or failures to respond to injustice are not morally admirable and so we might think that interpersonal complicity will hold to account all those who are acting immorally. However, structural injustices live in the seemingly innocuous actions of everyday social practice. We have all been socialized in particular moral and epistemic communities that leave none of us without bias. Similarly, all of us act in ways that perpetuate some injustices; no one’s hands are clean. When the goal is to attribute political responsibility for remedying injustice, we find it philosophically mistaken, often pointless, and even diversionary to dissect people’s contributions and intentions in efforts to parse out different degrees of individual culpability for wrongdoing.

Many actions are innocuous when considered separately; they become recognizably oppressive only when seen in structural context. For example, coming forward to help a disabled person across a busy street may be morally praiseworthy as an individual action; viewed in relation to many similar actions, however, it may form part of a pattern of insulting interference in the lives of people with disabilities. In attributing responsibility for structural injustice, the primary moral task is not to portion out blame to ourselves or others for insensitivity or worse; again, none of us have clean hands. As Bartky succinctly puts it, “[w]e need certainly not worry over degrees of complicity—which can become a new and insidious form of ... evasion, a back-handed way of keeping ourselves in the center” (2002, 148). Applebaum (2010) associates this kind of preoccupation with ethical narcissism and the impulse to be a “hero” or “savior.”

¹⁹ For more on strategies of white denial in response to structural racism, see also Alcoff (1998), Applebaum (2010), and Frye (1983)

Interpersonal complicity feeds into strategies of denial and evasion by focusing all moral attention on the moral character of the individual agent and committing to what Kutz calls “evaluative solipsism” (2000, 4). Rather than seeking to fine-tune degrees of blame, our task is to understand how individual actions reinforce unjust structures and to figure out how we might act differently so as to undermine those structures.

Even when structural complicity comes with the best intentions, we do not think it is entirely innocent. “Going along” with unjust processes is not morally neutral, regardless of our intention; instead it reinforces and normalizes those processes. Without complicity, injustice could not happen. To be complicit is to be morally compromised; our characters and conduct are morally tainted by being involved in wrongness and acting out the orientation to reproduce injustice. Structural complicity means that we are bound up in the wrongfulness of the injustice in which we are participating and generates responsibilities to work to remedy that injustice.

Invoking the concept of structural complicity to attribute responsibility for injustice is integral to respecting people as social agents. Young writes:

Part of what it means to respect people is to consider them agents of their own lives. People make choices that affect how their lives go, and they are responsible for these choices and their consequences. (2011, 27)

Young also writes that members of a society bear responsibility for what is done in their name, by virtue of the fact that they are aware moral agents who ought not to be indifferent to the fate of others and the danger that states and other organized institutions often pose to some people. This responsibility is largely unavoidable in the modern world, because we participate in and usually benefit from the operations of these institutions (2011, 92).

A central part of people’s responsibility for structural injustice is to reflect critically on our complicity in the structural processes that systematically harm members of oppressed groups at all levels. We follow Applebaum (2010) in believing that we must remain vigilant about our reproduction of oppressive structural processes. Structural complicity generates weighty responsibilities for people to work with others to change both themselves and the unjust social practices in which they participate.²⁰

²⁰ Bartky, again, has a nice way of stating a similar point: “we accomplish little as individuals; in the spirit of Mother Jones, we need to organize, not to mourn and not merely to ‘bleed.’ ... We

8. Resisting the structural injustice of migrant domestic labor

All those who participate in the interlocking structural processes that produce and maintain the system of migrant domestic labor are structurally complicit in the injustice of this industry.²¹ We include workers, as well as recruiters, transporters, employers, and so on, among the parties who are structurally complicit in the injustice of migrant domestic work.²² This complicity exists regardless of whether or not people intend injustice or act decently as individuals. Recruiters may or may not screen employers for past abuse, disclose the real conditions of work or charge exorbitant fees. Employers may or may not mistreat their maids. The migrant domestic workers themselves may be faithful servants or steal from their employers and spit in the soup. Regardless of how individuals act interpersonally, their participation in the larger system of migrant domestic labor makes them structurally complicit in its injustice. Because people are tainted by their participation, they have a political responsibility to work toward remedying this structurally unjust industry. How can this responsibility be discharged?²³

One strategy is to focus on treating individual workers fairly and well. This is praiseworthy from the point of view of interpersonal morality but does not alter the structural context. The person who hires a migrant domestic worker to clean her house and goes out of her way to make sure that the worker is fairly compensated and has a flexible schedule and pleasant

need to find those organizations that appear to be making a difference, join them, and support them” (2002, 148).

²¹ Of course, there is room for debate over what counts as participation, just as there is room for debate over when the conditions of liability are met. It is implausible to attribute complicity to people whose social connection to some injustice is quite indirect or remote. We suggest that complicity comes in degrees and kinds?, generating stronger and weaker political responsibilities.

²² Young, too, includes workers as participants in the injustice of the global apparel industry (2011). Though we are aware that this inclusion may appear to be “victim-blaming,” we believe that those constrained by structural injustice may perpetuate that injustice, and denying this is to treat those people as helpless victims. Since we separate guilt and blame from structural complicity, we can recognize the structural complicity of all who perpetuate unjust practice without assigning blame or guilt to all.

²³ Young argues, following Joel Feinberg and Henry Richardson, that responsibility is conceptually distinct from duty: the latter clearly identifies what it is that we ought to do in some particular circumstance while the former is more open to discretion and responsive to the specific situation of the agent (2011, 143).

working conditions is more interpersonally generous than she need be, but her actions do nothing to remedy the unjust structural processes in which both employer and worker are implicated.

A second strategy, which we also regard as inadequate, is to try to keep one's own hands clean by distancing from the industry. However, one's past engagements may have generated present day responsibilities to address the industry's ongoing injustice and, if one lives in one of the high-income countries that are destinations for most migrant domestic workers, one may be unable to avoid benefiting from the labor of workers employed by one's compatriots or participating in the background structures that generate both the demand for as well as the supply of such labor.

Rather than simply assisting individual migrant domestic workers or trying to opt out of involvement with them altogether, we think that people can meet the responsibilities generated by their complicity in this unjust industry, only by directing their efforts toward undermining or transforming the industry. Exactly how people ought to go about doing this depends on the specific ways in which they are complicit but here are a few suggestions:

1. Domestic workers can form local organizations, help lines, networks and eventually unions, as they are currently doing across the world, although there are formidable obstacles to organizing for domestic workers (ILO 2015b).²⁴
2. Citizens in receiving countries can support this difficult organizing. They can discuss with others who employ domestic workers the compensation, work conditions, and other accommodations they provide. They can pressure local officials to develop programs for integrating migrant workers into the community and for protecting them from discriminatory violence. They can work toward national legislative reforms that make workers less vulnerable to abuse and coercion. Such work is facilitated by the fact that, in the last few years the ILO has begun to remedy its earlier neglect of domestic workers. In

²⁴ “A major global research project has identified the following major and universal challenges to organising domestic and household workers:

- Isolated and invisible nature of work in private homes
- Fear of employers and losing jobs
- Dependency on employer for housing, food, immigration status, etc.
- Not protected by labour laws
- Long hours of work, no rest or free time, and no holidays
- Fear of authorities (particularly for migrant workers)” (Conley 2015, 7).

2011, it passed the landmark C189 (Convention Concerning Decent Work for Domestic Workers), which has opened the way for national legislation with stronger protections for domestic workers and for prosecuting employers who abuse them (ILO 2016).

3. At the global level, people can work with the International Domestic Workers Federation (IDWF), created in 2013 from the International Domestic Workers Network, formed in 2006 (all very recent). “The guiding principles of the IDWF, as outlined in the organisation’s constitution, can be summarized as follows:
 - Domestic and household workers must enjoy the same rights as other workers.
 - Domestic and household workers are entitled to decent working and living standards as per ILO Convention 18911 and these standards must be enshrined in national law.
 - Abuses against domestic and household workers are violations of human rights and trade union rights and must be prosecuted.
 - Domestic and household workers’ organizations are part of the global labour movement and will join forces with all other workers in the struggle to change power relationships and to determine their own economic and social destinies, and to secure their own freedom, justice, well-being, security and peace ...” (Conley 2015:9)
4. Citizens in receiving countries can work to reform the sponsorship system of migration visas.
5. More broadly, they can examine their roles in perpetuating those international economic processes that undermine or even destroy local economies in the nations from which workers emigrate and work with others to alter these roles.
6. Members of families who employ migrant domestic workers can reflect critically on the ways that they act out constraining gender norms around domestic work. Men in particular can not only refrain from sexually harassing domestic workers but also pick up more of the burden of domestic work. In turn, this is likely to require rethinking expectations of other jobs in the formal economy and to create pressure for more personal care time, flexible hours, not working on weekends, etc.

Our conception of structural complicity entails that changing the world and changing ourselves must go together. Although we have argued that it is insufficient to aim for individually clean hands or greater personal “sensitivity,” our account nevertheless entails that changing our personal practice is a necessary part of resisting oppressive structures. Working to

connect up transformative personal actions with the actions of others socializes resistance. Transformation requires organized collective social action, as Young insists, but it also requires changing those of our own cognitive, affective, and active habits that sustain unjust social processes.

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